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No. 588.

In the Supreme Court of the United States.

OCTOBER TERM, 1906.

THE ILLINOIS CENTRAL RAILROAD COMPANY ET AL.,
APPELLANTS,
v.
THE INTERSTATE COMMERCE COMMISSION,
APPELLEE.

APPEAL FROM THE CIRCUIT COURT OF THE UNITED STATES FOR THE EASTERN DISTRICT OF LOUISIANA.

MOTION TO ADVANCE.

In the Supreme Court of the United States.

OCTOBER TERM, 1906.

THE ILLINOIS CENTRAL RAILROAD COMPANY et al., appellants,
v.
THE INTERSTATE COMMERCE COMMISSION, appellee.
} No. 588.

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MOTION TO ADVANCE.

The Solicitor-General, on behalf of the appellee in the above-entitled cause, respectfully moves the court to advance the same on the docket for hearing during the pending term, for the following reasons:

1. The appellee is a Bureau or Department of the Government and the cause is a proceeding in equity under section 16 of the act to regulate commerce, approved February 4, 1887, as amended March 2, 1889, for the enforcement of an order of the appellee against the appellants.

2. The said act to regulate commerce, in section 16, requires the courts to hear and determine cases

for the enforcement of orders of the appellee "speedily," and said section of said act as further amended June 29, 1906, provides that cases of this character shall have in this court "priority in hearing and determination over all other causes except criminal causes."

3. The appellants on April 15, 1903, made an advance of 2 cents per hundred pounds in the rate on yellow pine lumber from the lumber-producing districts in that part of Louisiana east of the Mississippi River and in Mississippi and part of Alabama to Cairo and other Ohio River crossings, to wit, Evansville, Louisville, and Cincinnati, and points beyond. The order of the appellee in question in this case requires the appellants to cease and desist from enforcing the advanced rate. This order affects large interests of both the railway companies and the shippers, and the speedy determination of its lawfulness is highly important to said interests. It was approved by the court below.

There are, moreover, a number of cases pending before the Commission, the disposition of which will be controlled by this court's decision of the questions presented in the present case.

4. Counsel on both sides agree that this case may be assigned for hearing on Monday, April 22, 1907, or as soon thereafter as may suit the convenience of the court.

HENRY M. HOYT,
Solicitor-General.

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